

Overview of Indiana's Problem-Solving Courts Statutes and Rules

The Problem-Solving Court statutes (IC 33-23-16) were enacted during the 2010 legislative session with an effective date of July 1, 2010. The Drug Courts (IC 12-23-14.5) and Reentry Courts (IC 33-23-14) statutes were repealed in conjunction with the implementation of the Problem-Solving Court statutes.

The Board of Directors of the Indiana Judicial Conference (hereinafter "Board"), adopted the Interim Problem-Solving Court Rules on April 23, 2010, with an effective date of July 1, 2010. The Board of Directors adopted technical amendments to the Interim Problem-Solving Court Rules, the Drug Court Rules and the Reentry Court Rules on September 20, 2010.

Statutory Highlights:

- Problem-solving courts established under IC 33-23-16 by a city or county court include: drug courts, reentry courts, mental health courts, family dependency drug courts, community courts, domestic violence courts, veterans' courts and any other court certified by the Indiana Judicial Center as a problem-solving court. [IC 33-23-16-11]
- A drug court or reentry court certified by IJC prior to July 1, 2010, is certified as a problem-solving court as of July 1, 2010, pursuant to IC 33-23-16 and the Interim Problem-Solving Court Rules.
- The Board is required to adopt rules prescribing the minimum eligibility criteria for problem-solving court participation. [IC 33-23-16-12(c)]
- A problem-solving court may accept referrals for participation from pre-trial diversion, deferred prosecution, nonsuspendible sentences, condition of probation, condition of community corrections, condition of forensic diversion, community transition program, condition of parole, order in a dispositional decree, condition of informal adjustment program, involvement in a child support proceeding, mental health commitment or civil protection proceeding.
- The Board is required to adopt rules governing the certification of problem-solving courts. [IC 33-23-16-16(c)]
- The Board is required to adopt rules establishing the range of fees that may be assessed to eligible individuals for problem-solving court services. [IC 33-23-16-23]
- The Indiana Judicial Center shall ensure that problem solving courts comply with the rules adopted by the Board under IC 33-23-16 and applicable federal regulations, certify problem solving courts according to the requirements and procedures established under IC 33-23-16-16(c)(1) and require as a condition of operation that each problem solving court created or funded under IC 33-23-16 chapter be certified according to the rules adopted by the board. [IC 33-23-17]

The **Interim Problem-Solving Court Rules** govern three main issues delegated to the Board by the Problem-Solving Court statutes: (1) eligibility; (2) the certification process [drug courts and reentry courts certified prior to July 1 follow drug court and reentry court rules for recertification; any problem-solving court certified on July 1 or thereafter must comply with the interim rules for provisional certification]; and (3) user fees.

The **Drug Court Rules and Reentry Court Rules** govern the recertification of drug courts and reentry courts certified prior to July 1, 2010, in conjunction with the Interim Problem-Solving Court Rules.